

STATE OF NEW HAMPSHIRE DEPARTMENT OF ENVIRONMENTAL SERVICES

AIR RESOURCES DIVISION

CHAPTER ENV-A 1500 CONFORMITY

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PART Env-A 1502 CONFORMITY OF GENERAL FEDERAL ACTIONS

Statutory Authority: RSA 125-C:4

Env-A 1502.01 Purpose. The purpose of this part is to implement section 176(c)(4)(A) of the Clean Air Act (Act), 42 U.S.C. 7401 et seq., and its regulations, 40 CFR Part 51, Subpart W, with respect to the conformity of federal actions to the state implementation plan. Conformity determinations for federal actions ensure that the purpose and intent of the state implementation plan are met.

Env-A 1502.02 Scope.

(a) This part shall apply to any federal department, agency or instrumentality which meets the applicability criteria as stated in the federal general conformity rule at 40 CFR 51.853.

(b) This part shall not apply to any entity subject to a conformity determination for a federal action related to a transportation plan, program, or project developed, funded, or approved under 23 U.S.C. or the Federal Transit Act, 49 U.S.C. 1601 et seq.

Env-A 1502.03 Definitions. For the purposes of this part, the following definitions shall apply:

(a) Definitions in the definitions section of the federal general conformity rule at 40 CFR 51.852.

(b) “Maintenance area” means any geographic region of New Hampshire previously designated as a non-attainment area pursuant to the Act, and subsequently redesignated to attainment subject to the requirement to develop a maintenance plan under section 175A of the Act.

(c) “MPO” means “metropolitan planning organization” as defined in Env-A 1501.03 and 40 CFR 51.852, and includes the Manchester MPO, the Nashua MPO, the Salem/Plaistow/Windham MPO, and the Seacoast MPO.

(d) “Non-attainment area” means any geographic region in New Hampshire designated as a non-attainment area by EPA under section 107 of the Act for any pollutant for which a national ambient air quality standard exists.

Env-A 1502.04 Conformity to State and Federal Implementation Plans. No applicable federal entity shall engage in, support in any way or provide financial assistance for, license or permit, or approve any activity which does not conform to the New Hampshire state implementation plan or federal implementation plan developed pursuant to Title 1, Part A, section 110 and Title I, Part D of the Act. Such determination that a federal activity conforms to the state implementation plan or federal implementation plan shall be made in accordance with section 176 of the Act and 40 CFR Part 51, Subpart W, the latter of which is the federal general conformity regulation.